

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:12-00031

TRE'S DAVIS

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER  
MEMORANDUM OPINION AND ORDER

On May 26, 2017, the United States of America appeared by J. Matthew Davis, Assistant United States Attorney, and the defendant, Tre's Davis, appeared in person and by his counsel, Lex A. Coleman, Assistant Federal Public Defender, for a hearing on the petition on supervised release and amendment thereto submitted by United States Probation Officer Lilla M. Adkins. The defendant commenced a three-year term of supervised release in this action on October 30, 2015, as more fully set forth in the Judgment Including Sentence Under the Sentencing Reform Act entered by the court on July 12, 2012.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respects: (1) the defendant possessed a 9mm semiautomatic handgun with a loaded magazine containing 13 live rounds, a .40-caliber drum magazine capable of holding 50 rounds, and a box of Winchester .40 caliber ammunition, all of which was seized from his residence on February 9, 2017, when law enforcement executed a search warrant on his residence, as evidenced by his admission on the record of the hearing that the government possesses sufficient proof to prove the violation by a preponderance of the evidence; (2) the defendant used alcohol excessively as evidenced by his admission to the probation officer that he consumed alcoholic beverages to the point of intoxication on December 31, 2015; (3) the defendant used and possessed marijuana as evidenced by a positive urine specimen submitted by him on January 5, 2016; a positive urine specimen submitted by him on March 18, 2016; his admission to the probation officer on May 25, 2016, that he had recently smoked marijuana; and positive urine specimens submitted by him on July 18, 2016, and January 17, 2017; (4) the defendant failed to notify the probation officer within 72 hours of his arrest on February 9, 2017; (5) the defendant failed to

report for random urine screening at Pyramid Counseling as directed on April 29, May 6 and 16, June 8, July 13 and 26, August 2, September 4 and 19, October 17, November 17 and December 8, 2016; (6) the defendant failed to attend individual substance abuse counseling on June 23, September 20 and December 6, 2016, as instructed and failed to attend two individual counseling sessions in July and August, 2016 all as admitted by the defendant with the exception of (1) as noted above and all as set forth in the petition on supervised release and amendment thereto.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant should be confined to the extent set forth below, it is accordingly ORDERED that the

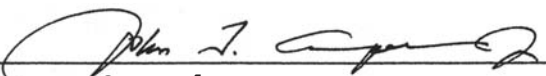
defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of ONE YEAR AND ONE DAY, to run concurrently as to each of Counts Four and Six, to be followed by a term of two (2) years less one day of supervised release, to run concurrently as to each of Counts Four and Six, upon the standard conditions of supervised release now in effect in this district as promulgated by the Administrative Office of the United States Courts (National Form AO 245B) and the standard conditions as set forth in Local Rule 32.3.

The defendant was remanded to the custody of the United States Marshal.

Recommendation: The court recommends that the defendant be designated to FCI Beckley.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: June 13, 2017

  
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John T. Copenhaver, Jr.  
United States District Judge